

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-2240**

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TONY HILL,

Plaintiff - Appellant,

versus

COMMISSIONER OF SOCIAL SECURITY,

Defendant - Appellee.

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Appeal from the United States District Court for the Western District of Virginia, at Big Stone Gap. James P. Jones, District Judge. (CA-02-199-2)

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Submitted: April 26, 2004

Decided: July 20, 2004

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Before LUTTIG, MOTZ, and DUNCAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Joseph E. Wolfe, WOLFE, WILLIAMS & RUTHERFORD, Norton, Virginia, for Appellant. James A. Winn, Regional Chief Counsel, Patricia M. Smith, Deputy Regional Chief Counsel, Rafael Melendez, Assistant Regional Counsel, Philadelphia, Pennsylvania; John L. Brownlee, United States Attorney, Julie C. Dudley, Assistant United States Attorney, Roanoke, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Tony R. Hill appeals the district court's order affirming the Commissioner's decision to deny Hill Social Security Disability Insurance Benefits and Supplemental Security Income. Hill argues that the administrative law judge (ALJ) did not give proper weight to the opinion of Hill's primary physician or a psychiatrist with whom Hill met once. We affirm.

We must uphold the district court's disability determination if it is supported by substantial evidence. See 42 U.S.C. § 405(g) (2000); Hays v. Sullivan, 907 F.2d 1453, 1456 (4th Cir. 1990). Contrary to Hill's argument, the ALJ properly declined to fully credit the medical assessment of Muhammad Javed, M.D. The medical source opinion regulations indicate that the more consistent an opinion is with the record as a whole, the more weight the Commissioner will give it. See 20 C.F.R. §§ 404.1527(d), 416.927(d) (2000). The bulk of the remaining medical sources of record opined that, although Hill experienced various limitations, he was still able to perform various functions, including, inter alia, standing for several hours, sitting for several hours, and lifting to a certain degree. Thus, we find that the ALJ did not err by discounting Javed's assessment.

Next, Hill argues that the ALJ erroneously substituted his own medical opinion for that of David Forester, M.D., a psychiatrist with whom Hill met once for ninety minutes. Again,

Hill's argument is without merit. In reaching his conclusion, the ALJ properly considered Dr. Forester's testimony in the context of the other medical evidence. Therefore, although Hill clearly suffers from back and lung problems, as well as anxiety, substantial evidence supports a finding that these deficiencies do not significantly limit Hill's ability to work a light to sedentary unskilled job.

Accordingly, we affirm the district court's order denying benefits. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED